



OFFICE OF EXECUTIVE INSPECTOR GENERAL
FOR THE AGENCIES OF THE ILLINOIS GOVERNOR

ROD R. BLAGOJEVICH
GOVERNOR

32 WEST RANDOLPH STREET, SUITE 1900
CHICAGO, ILLINOIS 60601
312-814-5600

JAMES A. WRIGHT
EXECUTIVE INSPECTOR GENERAL

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Contact: Gilbert R. Jimenez
Deputy Inspector General
312-814-5600

**OEIG ENDORSES SEN. BRADY ETHICS MEASURE
OPPOSES SEN. GARRETT BILL**

CHICAGO – Executive Inspector General James A. Wright Tuesday announced that the Office of Executive Inspector General for the Agencies of the Illinois Governor (“OEIG”) supports Senate Bill SB 151, introduced by Sen. Bill Brady to bring full transparency to OEIG investigations of State Ethics Act and non-ethics related misconduct in which the complaint to the agency has been found to have merit.

Wright credited the many State Legislators and public officials who have rushed forward with proposals to address perceived shortcomings in the State Officials and Employees Ethics Act (5 ILCS 430). However, he said, many such suggestions are radical and at best misguided to the extent that they equate the current lack of transparency with ineffectiveness, politicization of the OEIG, or perpetuation of the lack of integrity shown by many State investigation officials under prior administrations.

“I pledge to the People of Illinois, as the Executive Inspector General, and as a former Justice Department trial attorney and Assistant U.S. Attorney, that the OEIG is as independent of political influence and meddling, as dogged in investigating every credible allegation of misconduct and as diligent in seeking discipline in every one of its founded investigations as was intended by the letter and spirit of the Ethics Act and its drafters.”

That fact, said Wright, is demonstrated beyond dispute by the report made public earlier today with the simultaneous release of the OEIG Fiscal Year 2006 Annual Report. The report is available to the public only by download. A copy of this report can be obtained from the OEIG web site: <http://inspectorgeneral.il.gov>.

“It is true, that under the current Ethics Act, OEIG investigation reports may not be made public. I fully understand how this lack of transparency obscures the work of this Office and contributes to public skepticism over the integrity of our investigations,” Wright said.

"But some facts must be made clear in this discussion. The jurisdiction of this Office extends vastly beyond the handful of violations that may be cited under the Ethics Act," Wright said. "There are at least 40 state agencies and more than 300 boards, commissions, State universities and community colleges under our charge. Among them, they have promulgated thousands of rules, policies and regulations. Consider also that a State employee may commit misconduct by violating one of the thousands of other Illinois and Federal Statutes."

"All of those possible violations are within our jurisdiction to investigate, and in fact we have and will continue to investigate fairly, and with an unparalleled dedication to integrity," he said.

"Nevertheless, in addition to our mandated enforcement of these thousands of laws and rules, we also conduct investigations into violations of the few provisions of the Ethics Act that specifically apply. Primarily, these are the Gift Ban Act; timekeeping and ethics training requirements; and prohibitions on state-funded campaign promotions, political activity, State employees going to work for some State vendors, and retaliation against whistle blowers. Those are most of the specifically codified Ethics Act violations, which are the only violations under the jurisdiction of the Executive Ethics Commission ("EEC").

"Given that we may only investigate based upon a complaint filed with the OEIG, the natural result is that for every Ethics Act violation allegation we receive, we get perhaps 100 or 200 complaints of other types of misconduct that do not fall under the authority of the EEC. Even when those non-ethics complaints are found to be meritorious, they cannot result in a hearing by the EEC. When we find misconduct in these types of cases, we direct the involved State agency to begin the process of disciplinary administration, which inherently triggers the due process rights of State employees who request labor arbitration or a Civil Service Commission hearing over the resulting corrective action."

Wright explained that it is crucial for the public and their legislative representatives to understand that because the adjudicative jurisdiction of the EEC is limited to hearing OEIG complaints of Ethics Act violations, under the best of circumstances those hearings are going to be few and very far between. Furthermore, the State Attorney General must approve an OEIG ethics complaint before the EEC may consider it. Even when an EEC hearing is convened for an ethics violation, the outcome can only be a fine or another disciplinary recommendation. The Ethics Act does not make the EEC the final authority on implementation of discipline for unethical State employees.

"As such," Wright said, "attempts to radically alter the original 2003 Ethics Act so that the EEC may involve itself in non-ethics related violations are misguided at best, and at worst they will critically impede the ability of the OEIG to investigate every type of misconduct for which it was given jurisdiction under the original Ethics Act." This is the major flaw of Senate Bill SB 728, as proposed by Sen. Susan Garrett.

"To the extent that the credibility of the OEIG is called into question by the veil of 5 ILCS 20/95(d), which excludes its reports from disclosure under the Illinois Freedom of Information Act, the only complete cure for this non-transparency and suspicion of OEIG operations is full and total transparency without interference from or interpretation by a body of individuals who though they may mean well, are limited in their active roles by the design of the original, well-considered legislation," Wright said.

"Either a record is public, or it is not," he said. "Making OEIG final reports, from which complainants' names have been redacted, fully accessible under FOIA does not interfere with the due process rights that may be invoked by state employees. They may still have their hearing as to the administration of discipline. The EEC may still hear the Ethics Act violation complaints that are founded, though as stated, the number of such complaints is exceedingly small.

"In this way, as suggested by Senator Brady's excellent proposal, the brightest light may flow onto OEIG operations in a manner that not only upholds, but vigorously defends its independence from the influence of any public body, official, agency, or individual," Wright said.

Other legislative proposals, such as Sen. Garrett's SB 728, would give the EEC sole discretion over which, if any, founded OEIG complaints to release publicly without granting it the authority to disclose reports in the more than 90 percent of our substantiated findings that have nothing to do with specific Ethics Act violations, said Wright. Also, any proposal to expand EEC authority by allowing it to review and release OEIG founded reports on non-Ethics Act violations would inflate the Commission's authority and influence ninety-fold.

Furthermore, Wright said, SB 728 would change the Ethics Act to give the Commission the sole authority to set State ethics training standards, rules and schedules. The original Ethics Act made this a joint responsibility of the OEIG and EEC.

The OEIG believes that such an expansion of power would be so far beyond the contemplation and intent of the drafters as to destroy their design for an ethics commission to deal exclusively with giving ethical advise to State agencies and hearing complaints regarding ethical violations, he said.

Misconduct complaints can be made to the Office of Executive Inspector General for the Agencies of the Illinois Governor by calling, 1-866-814-1113 (TTY 1-800-524-8794 or 1-312-814-1872), or by fax, 1-312-814-5479. Complaint forms can be obtained at the OEIG web site: <http://inspectorgeneral.il.gov/complaint.htm>. By law, the OEIG cannot accept anonymous complaints, but will uphold the confidentiality of complainants' identities to the fullest extent permitted by law.